

All lots were alleged to be misbranded in that the statement borne on the label, "Imitation Vanilla Flavor," was false and misleading and tended to deceive and mislead the purchaser.

On January 5 and February 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28557. Adulteration and misbranding of imitation lemon flavor base. U. S. v. 11 One-gallon Bottles and 11 One-quart Bottles of Imitation Lemon Flavor Base. Default decree of condemnation. (F. & D. Nos. 41506, 41507. Sample Nos. 52338-C, 52339-C.)

The flavoring strength of this product was about one-tenth of that of a standard lemon extract.

On January 28, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 gallon and 11 quart bottles of imitation lemon flavor base at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about December 16, 1937, from Los Angeles, Calif., by the General Paper Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Superfine Imitation Lemon Flavor Base * * * General Paper Co."

It was alleged to be adulterated in that a worthless substance had been substituted in whole or in part for imitation lemon flavor base, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Imitation Lemon Flavor Base" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was practically flavorless; and in that it was offered for sale under the distinctive name of another article, "Imitation Lemon Flavor Base."

On February 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28558. Misbranding of blended lemon juice and orangeade grenadine. U. S. v. 20 Bottles of Blended Lemon Juice, et al. Default decree of condemnation and destruction. (F. & D. No. 41629. Sample Nos. 7702-D, 7703-D.)

These products were labeled to indicate that they were lemon juice and orangeade grenadine, respectively; whereas the former contained from 25 to 35 percent of lemon juice with added citric acid and the latter contained little, if any, fruit juice. Both contained sodium benzoate in excess of the amount declared.

On February 4, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of the products, hereinafter described, at Weehawken, N. J., alleging that they had been shipped in interstate commerce on or about December 24, 1937, from New York, N. Y., by the Original Sunkist Orangeade Sales Co., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Pure Blended Lemon Juice * * * [or "Sunkist Orangeade Grenadine"] * * * California Sunkist Products Co., New York, N. Y."

They were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles; and in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to blended lemon juice and orangeade grenadine, respectively (the former consisted of an imitation lemon juice containing from 25 to 35 percent of lemon juice with added citric acid, and the latter of an imitation orangeade grenadine containing little, if any, fruit juice, both of which contained 0.043 percent of sodium benzoate): "100% Pure * * * Lemon Juice * * * Contains * * * Natural Citric Acid Made From Fresh Lemons * * * Lemonade and Lemon Pies * * * Use * * * for all Lemon Juice Purposes; for * * * Lemon Pies Lemonade, * * * California Blend is 100% Pure * * * Contains 1/10 of 1% Sodium Benzoate * * * 'Our Label Speaks the Truth'"; and "Orangeade Grenadine Made from Sunkist Orangeade With three other fruit juices, * * * Contains * * * 1/10 of 1% Sodium of Benzoate."